

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:37 PM on September 28, 1987, Chairman William Press presiding.

In attendance were:

Don Berman	Lee Starr	Betty Cirker
Tim Colgan	Hugh Roberts	Woody Vandever
Lanier Colgan	Shaul Gladstone	Bill Weible
Sarah Hamburger	A. Barnes King	Temma Tanzer
Virginia Shaw	Frank Young	Leon Tanzer
Beatrice Jaffe	Cosette Morley	Carolyn Liberman
James Schwaber	Bill Press	Aaron Hamburger
Rae Gerstine	Frank Akutowicz	Dan Szurgyjlo
Steve Tanzer	Bertha Brooks	Yvonne King
Mary Orr	Cecilia Vore	Cy Liberman
John Orr	Art Hurwitz	Gail Rinehart
Sue Drury	Matt Stearns	Betty Knott
Frances Trench	Jan Stearns	Ted Baker
John Hewlett	Steven Threefoot	Mike Curtis
Clara Dossett	Molca Budin	Susan Rohrbach
Tom Colgan	Sally Thurston	Drew Burslem
John Dossett	Mary Irons	Ruth Holcomb
Romeo Hubner	Naomi Clark	Don Holcomb
Alex Sykulski	Dane Miller	Connee Wright McKinney
Rita Devlin (NV)	Elizabeth Varley Walker	Larry Walker
Eugene Shaw	Jean K. Brachman	Linda Jobson
Pat Pyle	Bernie Brachman	Bob Wynn (NV)
Anna Greene	David Mozes	John Demsey
Charles Salkeld	Marge Roberts	Alan Burslem
Anne Berlin	William Theis	

Thanks were extended to Frank Young for purchasing the new sound system.

Presentation by Rita Devlin and Ruth Sokolowsky from the New Castle County Department of Community Planning.

This department was formed in 1974 to provide public housing programs for the county, Wilmington and Newark excepted. The department offers programs for community betterment through federal grants from the Block Grant Program. Eligibility for grants is based on population, extent of poverty and over-crowding. Municipalities may choose to participate in two ways:

- 1) Municipal Participation. The municipality plans and administers its own projects using a pro rata share of the county's funds. Arden's share would be about \$5,000.
- 2) Countywide Participation. This would make Arden a partner in the county program with no set dollar limit, the amount would depend on the extent of participation.

This program provides housing rehabilitation loans to people below the maximum income level guidelines (\$21,000 for a two person household, \$26,000 for four persons). Interest rates and repayment schedules are worked out individually and range from 2% below prime to 0. Deferred payments can be arranged as a lien against the property.

The program includes a youth job training program which can provide repairs on public buildings. The community provides only supplies.

The program runs from July 1, 1988, through July 30, 1991. In order to participate, Arden must sign a cooperative agreement by October 12. A decision must be made tonight. Arden is the only community in the county, including Ardencroft and Ardentown, who has not signed a cooperative agreement as yet.

There is community concern that signing the agreement will commit Arden to following federal housing laws - Arden is already governed by federal guidelines.

Moved that the Town Assembly authorize the Chairman to sign a cooperative agreement with the New Castle County Department of Community Development and Housing with intent to join the Community Development Block Grant Program under option II, Countywide Participation.

Discussion:

- * Would the youth job training program be limited to low income projects? No, the youths involved are low income, there is no such requirement on projects.
- * Can Arden apply for money to work on the Buzz Ware Village Center? Yes, but the project would have to be competitive with other proposals. The decision would depend on the merits of the proposal.
- * Fears of big government encroachment and low income housing development in Arden are unfounded. There is no open land in Arden available for development.

Motion Passed.

Minutes of the June Assembly were approved with one correction. The runner-up for Budget Committee was Leon Tanzer, not Steve Tanzer.

Trustees Report - Shaul Gladstone

- * New Castle County has changed its ordinance with respect to exemption of property taxes. Single residents with adjusted gross incomes of under \$15,000 who are over 65 years of age, and married residents with adjusted gross incomes of under \$19,000, one of whom is over 65 years of age, are eligible for an exemption of \$32,000 on the assessed value of their property. Adjusted gross income includes pensions and capitol gains, but excludes Social Security and Railroad Retirement Tier I. Forms are available at the Assessment Division of the County Finance Dept. and further information may be obtained by calling 571-7630. Eligible residents are encouraged to apply.
- * County taxes for the village were paid today. Duplicates of County tax bills were mailed to all residents for some unknown purpose by an unknown party. The result of this action has been to generate considerable confusion, as well as a multitude of calls to the County Tax Office and to Rae Gerstine. We wish to inform one and all that those bills should not be paid. Considerable effort has been expended in working with the County to eliminate duplicate tax payments and it is hoped that this ill-considered action does not negatively impact on the situation.

- * The Trustees have requested the Registration Committee to submit the name of Gail Rinehart to the residents, via the referendum process, for confirmation as a third Trustee.

Discussion:

- * Will individual tax assessment items be broken down on Arden's land rent bills? This project is under active consideration. The information would need to be generated by computer. Isn't that information, except for County and School taxes, delineated on the tax bills mailed to each resident? No. Those bills, delivered in unmarked envelopes, are misleading. The land is billed as one parcel. The individual improvement charges are not specified.
- * The Assessors and Trustees should be more aggressive in letting senior citizens know about the increase in the exemption figure. Many more people may now be eligible and that would lower the town's tax bill. Shaul has forms. Applicants need only attach the first page of their income tax forms to the applications.
- * The Trustee Confirmation Referendum will be mailed on October 6.

Audit Committee Report - Jim Schwaber

The Auditing Committee has reviewed the accounting procedures currently in use by the Trustees and Village of Arden and found them to be satisfactory and in accordance with accepted accounting practices. We have also reviewed the Financial Statement prepared by the CPA firm of Corcoran & Goldman for the fiscal year that ended March 25, 1987. We have concluded that this audit present fairly the assets, liabilities, fund balances, income and expenditures of the Trustees and Village of Arden.

Discussion:

Where is the \$10,000 allocated for WMA parkland noted? The money is still in the general fund. If spent, the balance would be \$39,000.

Assessors Report - Cy Liberman

The June Assessors Report stands.

Budget Committee Report - Ruth Holcomb

Total budgetable expenses are \$82,450. Changes from the current budget are:

- 1) Town salaries - raised in line with present day salaries.
- 2) Registration Committee needs a larger allotment to cope with mailing the minutes.

Discussion:

- * Who is the Trustees' Administrative Assistant? Rae Gerstine. This title reflects her real duties. The Trustees' Secretary is Beverly Laws.
- * Community Planning Committee would like an allotment for printing costs. This can come out of the contingency fund.
- * Why the increase in the Trustees' Administrative budget? This covers increases in insurance, legal fees and office rent.

Budet Report Received.

Buzz Ware Village Center Committee Report - Aaron Hamburger,
Connee McKinney & Cy Liberman

- * The Bi-Centennial Improvement Project has been completed. The building was painted by KBS, an Arden company.
- * WMA plans. Marie Dugan reports that they plan to complete phase I of the new school by spring and will move some classes there. They plan to continue using the BWVC for the next four years. At that time, the contract will be up for renegotiation.
- * The committee decided to use the \$300 donation from the Hanby Corners Association to upgrade the chairs in the building. They will be buying chairs like those in the Gild Hall.
- * The estimate for yearly upkeep of the original building is:
 - a) full use (as now) - \$17,000
 - b) moderate use (evening, partial daytime + ACRA) - \$11,600
 - c) minimal use (evenings + ACRA) - \$9,250
- * There will be an art program starting in November for grades 4 through age 16. There will be 2 sessions in November & 2 in February.

Discussion:

What will be the status of the modules when WMA moves? WMA is obligated to restore the building to its original condition. Arden has the option to keep them at no cost.

Civic Committee Report - Gene Shaw

- * All road work has been finished for this year.
 - * The order has been given for removal of the oak tree in the Memorial Garden.
 - * The oak tree at the corner of Millers & Walnut should be removed. The base of the tree is hollow.
 - * Civic Committee would like to remind residents that they must get permission to do any planting on any of Arden's Greens.
 - * I have been in contact with Mr. Brice of the State Highway Dept. He has promised to try to correct the flooding on Orleans Rd.
 - * The Civic Committee has contacted the State Highway Dept. and the County Police about use and effectiveness of speed humps. Almost all reports about them are positive. The average cost of installation seems to be about \$850 each, including warning signs and markers.
 - * I have made contact with Mr. Askins of the New Castle County Conservation Service and received answers to a number of questions. Mr. Askins recommends that we use a rip-rap ditch, six-eight feet wide & one-two feet deep. The ditch should go by the most direct route through the Club area and then follow a generally curving route to the bridge at the end of the Pond area. Exact size and route will be decided when a survey is made. The cost of installation is in the area of \$2.50 per foot. Extreme conditions could raise the cost per foot to no more than \$3.50. This should bring our costs to between \$5,600-\$10,500. The exact cost of the project will not be available prior to a survey.
- The Pond area does not come under Mr. Askins' jurisdiction but his recommendation in that area is that we check our liability concerning even a small pond. The Civic Committee

recommends that the area be filled in with a perforated pipe inbedded in the ballast running from the spring house to the dam.

- * Allen Tweddle has asked for town approval to erect a lighted Arden Club sign at the Harvey/Orleans intersection to use for special events.

Discussion:

*Memorial Grove & Pond Project.

The committee recommends a two-phase job: 1) reconstructing the ditch to the pons & 2) the pond resolution. The plans for landscaping the pond have already been approved by Town Assembly. The ditch is washing out for the third time even though Dane Miller has just repaired it.

Moved that the Civic Committee undertake the project of correcting drainage problems in the ditch from the Club Parking Lot to the dam in the Memorial Garden. The committee shall spend no more than \$10,500.

Discussion:

What will the project cost? \$6,000-\$10,500. How will we fund this? We need more solid information. How wide will the ditch be? How much exactly will it cost? When will the work be done? What is the Arden Club's responsibility here? Can we use the Youth Job Training Program for this project?

We will not have more detailed information until the County Engineer makes an official survey. To get that done, we must make a commitment to the job. We will spend a minimum of \$6,000. The Conservation Dept. will do the engineering and provide most of the rip-rap. This is an emergency situation, it cannot be put off.

The engineers recommend a straight line ditch but a curvilinear S shaped one would be more appropriate. Only the ditch through the beer garden area will be straight, the rest of the area will follow the natural contour of the land.

Amendment: \$10,500 should be added to the 1988/89 budget for the Memorial Grove Drainage Project.

Motion carried as amended.

Moved that the Civic Committee bring specifics on this project to the January Assembly.

Discussion:

Why bring in specifics after the fact? The motion has been approved. We still need to have a progress report and know about the downstream effect. The committee was cautioned not to commit to this project until after the budget referendum.

Motion carried.

* Harvey Road Drainage problem. The Stone's driveway floods because the driveway is not properly sloped, the leaseholder should be responsible. Not true. The Stone property floods because the catch basins on Orleans Rd. are blocked. The work on St. Martins Lane is already sinking. This is a State problem. The contractor has promised to correct the situation.

- * No action taken on the Arden Club sign because Allen Tweddle was not present to explain his request.
- * The Town Assembly did not know that the sand in the Field Theater was lined with a tarp when it voted in June to let it remain there; it looks unsightly now. The tarp is a permeable membrane.

Moved that the Civic Committee install a speed hump on Millers Road between Marsh and Orleans at a point to be determined by the committee.

Discussion:

The speed hump program is not feasible until spring. The State recommends a hump every 600 feet for maximum effectiveness. We need to decide the spacing and height of the humps before proceeding. We also must allocate funds for the project.

Motion withdrawn.

Community Planning Committee Report - Steve Tanzer

- * Pursuant to the request of the Trustees, the committee has agreed to consider and make recommendations on variance requests. The specific criteria to be considered will be identical to those used by the Board of Adjustment:

- a) For dimensional variances: dimensional changes being requested should be minimal; the effect of granting the requested relief upon neighboring properties must be considered; the harm that would befall the applicant should the relief not be granted.
- b) For use variances: applicant must demonstrate that the property cannot yield a reasonable return if used only for uses permitted by the Zoning Code; applicant must demonstrate that unique circumstances exist reflecting the unreasonableness of the zoning classification; the use sought will not alter the basic character of the community.

We will also employ the same criteria as used by the Board of Adjustment for considering applications for temporary permits. We need to work out logistics of being informed of variance requests from Trustees.

- * As requested by the Trustees and others in town, we will be conducting a public meeting on October 15 at the Buzz Ware Village Center to consider the issue of lot-splitting and all of the implications attendant thereof. We have already received some written testimony, but we would encourage anyone interested to take part in the discussion.
- * The committee was approached about considering a ban on satellite dishes, the rationale being that currently there is nothing in place that would prohibit the installation of the dishes. Following consideration of this proposal, the committee supported the concept of developing an ordinance and bringing it before the town.
- * Harvey Road traffic survey: Rep. Smith has forwarded our request to DELDOT. They have not begun conducting the survey.
- * Zoning and Planning Update:
 - a) County Council defeated the proposed rezoning of a portion of the former Brandywine Country Club

property to a commercial classification. The proposed rezoning was actively opposed by the Brandywine Council and we are hopeful that Widener College may be able to acquire this property for expansion, a use that the Brandywine Council considers an appropriate use for the land.

b) Both the House and the Senate have been conducting public hearings on the package of legislation generally referred to as the "Quality of Life Initiative". For anyone who is interested, the Senate Highways and Transportation Committee will be conducting a hearing on this package on September 29 in the Brandywine High School Audion.

Proposed Arden Ordinance Number 14. An ordinance prohibiting the installation of satellite dishes within the legal boundaries of the Village of Arden.

Discussion:

This ordinance would be an infringement of personal liberty. We should consider what could be done to make such installations acceptable. This ordinance would set a dangerous precedent.

Most houses in Arden cannot use a satellite dish. The average size of dishes is coming down to 3-4 feet, creating less of an esthetic problem. The owner of one reported that his neighbors are not even aware it is there.

Sense of the meeting vote: Nay.

Playground Committee Report - Larry Walker

- * During the past quarter, the required playground equipment inspections were made and all necessary repairs completed. All equipment is presently in safe condition and in good repair. On the day of the Arden Fair, one swing seat on the Sherwood Green was broken. It was replaced the following day.
- * In mid-September, the basketball court behind the BWVC was repaved with a sealer coat of hot mix asphalt. This new wearing surface should give many years of use and it will hopefully eliminate the puddles that would form after a rain. There was some minor damage to the grassy areas which was caused by the heavy trucks driving over the grass to reach the area, but it was not possible to reach the basketball court without driving over some part of the Green. The contractor has agreed to make repairs and money has been withheld from our payments to ensure that repairs are made. The bid for resurfacing was \$2,150, \$250 more than was available in the Playground Committee budget. After consultation with the Town Chairman and the Advisory Chairman, it was decided to do the entire area at this time by utilizing \$250 from the Contingency Fund. Since the bid was under the project estimate of \$2,500, it was decided to complete the repaving project this year.

Registration Committee Report - Virginia Shaw

- * The registration list contains 400 names on this date.
- * We recently received a request from the Trustees to conduct a referendum for them on a nomination to fill the vacancy

- in their number. Work started immediately, ballots will be mailed October 6, to returned by October 27, with the public count scheduled the following evening, Oct. 28.
- * The regular fall referendum ballots to approve a budget and select Assessors will be mailed immediately after the close of the Trustee confirmation vote. They will be due back by November 17 and will be counted on the 18th. Both counts are open to the public. Each will begin at 7:30 in the Village Center. We urge anyone uncomfortable about signing the return envelope to come watch us. We think you will leave convinced that the only way anyone of the committee can know how you voted is for to tell her. And please, each of you inform yourself on the issues, vote and remind family and neighbors to do so. Both elections are very important.
 - * For some years past, the Registration Committee has organized open house block parties at irregular intervals to give newer residents and longtime Ardenites an opportunity to meet. On October 4, a new series begins at Don & Ruth Holcomb's home for those living between Harvey, Marsh, Millers and the upper side of Little Lane. Individual notices have been distributed to the households in the area.

Safety Committee Report - Tim Colgan

- * A stop sign was erected at the intersection of Hillside and Millers on Hillside Rd. This establishes a 3-way stop at the intersection.
- * Two "speed limit 20 MPH" signs were erected on Millers Rd. heading East towards Ardentown. One, as you enter from Marsh Rd. just before Mill, the other just before the intersection of Little Lane & Millers.
- * "Speed Limit 20 MPH" signs will be erected heading West on Millers toward Marsh as one travels from Ardentown and on Sherwood. We have the signs and will post them as weather permits; meaning, we need rain and it has only been recently that the ground was soft enough to dig the necessary holes.
- * Pat Press has agreed to be the Town Watch Coordinator for scheduling purposes. We still need a Base Operator to initiate the watch. Please contact Pat or any member of the Safety Committee if you are interested in being the operator.

Discussion:

- * What is the current status of the no-turn-on-red sign at Sherwood and Marsh? The committee will now try contacting Rep. Gwynn Smith.
- * The stop sign at Hillside and Millers is creating a dangerous situation. Ice forms on the hill and cars can't stop. Drivers on Millers assume the Hillside traffic will stop. People on Hillside should slow down earlier, if the stop sign is removed there will be a bad accident. The ice problem on Hillside should be handled by the Civic Committee.

Legislative Reference Committee - John Dossett

This newly formed committee will be prepared to comment on Town Assembly procedures. The committee is now indexing and cataloguing information.

OLD BUSINESS

Nominations for the Board of Assessors

Hugh Roberts	Aaron Hamburger	Michael Curtis
Steven Threefoot	Tom Colgan	Eugene Shaw
John Dossett	Frank Young	Temma Tanzer
Ruth Holcomb	Cy Liberman	Harold Monfort
Yvonne King	Donald Berman	

Moved that Ordinance #12, closing the woodlands from dusk to dawn, be continued for another year.

Motion carried.

Conflict of Interest Study Committee - Don Berman

Please contact Don if you are interested in serving.

NEW BUSINESS

Motion - Aaron Hamburger

Whereas, Arden residents approved a referendum in 1985 to support the purchase of parkland from the WMA site on Harvey Rd. with a \$10,000 appropriation, but,

Whereas, the appropriation remains unspent as no agreement between Arden, the other contributing groups and WMA has been consummated,

Therefore, the Town Assembly directs the Community Planning Committee to study this situation and submit to the January, 1988, Town Assembly, a report and recommendations on the land preservation proposal so that the Village of Arden can take appropriate action to either continue to pursue the land purchase or allow the \$10,000 to be released to the Arden general reserve fund.

Discussion:

We are asking for a definitive answer. If this is a dead issue, we can reallocate the money. Either way, we need to know where we stand.

Cecilia Vore, representative for the Community Planning Committee, is keeping informed on this issue. Just now, there is nothing happening. WMA is waiting for the Brandywine Conservancy to agree on a figure for an easement. They now have a verbal agreement on a price. We should have an answer in January. The other three communities involved are willing to wait.

Questions: Will the present referendum still hold in view of the fact that we are no longer talking about a land purchase agreement but an easement for parkland preservation? Instead of Ardencroft being sole conservator, that duty will be shared with the Brandywine Conservancy. Does Town Assembly have authority to overturn a referendum? Will another referendum be necessary?

This is a mischievous motion designed to undermine the referendum. Having this parkland available increases Arden's land value.

Commitments from Ardentown and Ardencroft stand. Windybush, who spearheaded the original campaign against town house development, has already spent a substantial sum in legal fees and is willing to initiate a fund raising program for their share. Their

contribution will be equivalent, not necessarily equal.

Motion Carried.

Motion - Parking shall be allowed on the Arden Green for the day of the Arden Fair between the hours of 9 AM and 7 PM at a cost of \$2 per car. All legal non-resident Fair parking in Arden shall be on the Arden Green. - Tim Colgan

- * The responsibility to collect the fee shall be the Village of Arden's.
- * The profits from the collection of the parking charge will go into the Village General Revenue Fund.
- * Those collecting the fee shall be volunteers selected by the Arden Town Assembly Chairman and will be from hereon referred to as the "Parking Committee". The committee will serve for a period of one year. Those selected will elect a Chairman.
- * The Assembly Chairman will attempt to fill eight positions for the Parking Committee. The selections will be announced on or before the June Town Meeting. In the event less than eight people can be secured by the Town Chairman before the June meeting, volunteers will be requested from those in attendance at the June meeting. If, at that time, eight volunteers are still not secured, those that have been selected will hire helpers to be paid from the profits collected for parking.
- * At least four Parking Committee members or their helpers will be on duty at any given time Fair Day.
- * The duty shifts, collection stations, and other logistical concerns will be determined by the Parking Committee at their pre-Fair meetings.
- * This proposal in no way relieves the Arden Club from their historical responsibilities, i.e.:
 1. Permission to use the Green must be requested at least two weeks in advance of the Fair.
 2. Damage to the Green due to parking will be repaired at the Arden Club's expense.
 3. Agents of the Arden Club must direct and control vehicular and pedestrian traffic.

Discussion:

Pro: This motion is not designed to penalize the Arden Club but to cope with the parking-on-the-Green problem. Arden should be compensated for the inconvenience. The Club charges for memorial services and town meetings. Other festivals in the area charge for parking with no problem.

Residents around the Green are annoyed by the parking. They also object to Green parking during shows in the Field Theater.

Con: 9 AM is too late, people begin parking by 7 AM. The process of collecting parking fees will tie up the whole parking loop. This would be very difficult to implement; we would need to pay the firemen who now voluntarily help with parking.

This is a destructive motion; it attacks the relationship between the town and the club. Fair goers will not pay the fee and will be parking on the streets of all three Ardens. It introduces an adversarial attitude and creates unnecessary animosity.

Motion Defeated

Those troubled by Fair parking were urged to discuss the issue with the Arden Club Board.

Moved that the Town Assembly approve the burial of Mrs. Dorothy Parker's ashes in Arden's Memorial Garden. - Cecilia Vore

That the Secretary of the Town Assembly write a letter to the executor of Mrs. Parker's estate stating that we would be honored to receive Mrs. Parker's ashes for burial in our Memorial Garden and briefly explaining the artistic and political history which might make our community a fitting final resting place for Mrs. Parker's remains.

That, in the event that our invitation is accepted, the secretary of the Town Assembly inform the Memorial Garden representative that the Assembly approves of Mrs. Parker's burial in our cemetery.

Discussion:

Con: This motion would hurt the feelings of the families of others who have been denied burial privileges in the Memorial Garden. The criteria, in addition to being dead, is that one must have been an Arden resident.

Pro: This is a special case; Town Assembly can vote to suspend the rules. Having Dorothy Parker in Arden would be a special honor.

Moved that this motion be tabled until January when Ethel Monfort, the Memorial Garden representative, will be in attendance.

Motion Carried.

Moved that we offer to scatter Mrs. Parker's ashes in the Field Theater.

Motion carried: 21 aye, 20 nay.

Mr. Laxton has informed the Civic Committee that the garbage contract for 88/89 will be \$42,000 for behind the house service. Curb service would be \$38,000 for twice a week pick-up, \$31,000 for once a week. This is an increase of \$3,000 over this year; it is \$2,000 over the budget allotment.

Moved that the budget figure for garbage collection be increased to \$42,000.

Discussion:

It was incumbent upon the Civic Committee to bring up this matter at the time the budget was discussed. The committee should solicit other bids and bring in a contract for \$40,000.

Motion Defeated

GOOD AND WELFARE

The Arden Building and Loan has money to lend for home fix-ups.

Meeting adjourned at 11:50 PM.

Sarah S. Hamburger
Secretary